

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8055 of 1992

For Approval and Signature:

Hon'ble MR.JUSTICE J.N.BHATT

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : YES
2. To be referred to the Reporter or not? : YES
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

TARABEN K DESAI

Versus

STATE OF GUJARAT

Appearance:

MS SHRADDHA TRIVEDI for Petitioner
MR SP HASURKAR for Respondent No. 1
MRS. TALATI, AGP, for Respondent No. 3, 4

CORAM : MR.JUSTICE J.N.BHATT

Date of decision: 13/08/1999

ORAL JUDGEMENT

The petitioner, Taraben, is the widow of late Shri Kalidas Bhagvandas Desai, who expired on 21.4.73 and who was working in Government service. He (Decd.) was a permanent employee and he had also drawn pension upto 1973.

When the matter was called out, the learned advocates

appearing for the parties, including the learned Assistant Government Pleader, Mrs. Talati, drew the attention of the Court that the issue has now shrunk down to a very narrow dimension as to whether the widow is entitled to family pension from 1st October, 1977 to March 31, 1992, as thereafter, she has been regularly paid pension by the respondent authority. It is also not in dispute that the petitioner shall be entitled to family pension and dues in terms of the Government Resolution No. NVT/1189/333/PI (Vol. II) dated 11.5.90.

This Court is very happy to mention that the officers of the Government, in this case, and learned AGP Mrs. Talati, have taken keen interest for the solution of the problem of a widow who is waiting for justice since more than a decade.

In view of the aforesaid facts and circumstances and the undeniable issue, the petitioner, Taraben Desai, widow of late Government employee Shri Kalidas Bhagvandas Desai is entitled to family pension with arrears and with interest as per the Government Resolution No. NVT/1189/333/PI (Vol. II) dated 11.5.90. Therefore, respondent No. 4, District Registrar, Cooperative Societies, is directed to prepare revised family pension papers within a period of two months from today and shall submit to respondent No. 2, Director of Pension and Provident Fund, who in turn shall issue necessary instructions to the concerned Treasury for payment of pension on receipt of revised pension order, within a period of not more than one week. It is hoped that since the case pertains to the right of pension of an old lady aged more than 80 and very long time has been spent in getting her rightful grievances redressed, the aforesaid authorities, respondent No. 4 and respondent No. 2 shall take it in right spirit and complete the process, expeditiously, so that in such a case there may not arise any occasion for the Court to pass further orders. Rule is made absolute accordingly.

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(vjn)